

# Wetlands Bureau Decision Report

Decisions Taken  
08/16/2004 to 08/20/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2002-00898**

**MOUNTAIN VIEW DEVELOPMENT LLC, KEVIN CRAFFEY**

**WHITEFIELD Unnamed Wetland**

### Requested Action:

Dredge and fill 126,444 square feet (2.9 acres) of palustrine forested/scrub-shrub wetlands to expand an existing 9-hole golf course to an 18-hole course layout. 93,550 square feet of forested wetlands will be cleared and maintained (during frozen conditions) as scrub shrub wetlands to allow for fly-over golf play. Mitigate impacts by assisting The Nature Conservancy (through a \$20,000 financial contribution) to acquire approximately 500 acres of undeveloped land for conservation purposes adjacent to the Pondicherry National Wildlife Refuge.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

- \*In a letter dated 5/2/02, NHI stated that there are no known occurrences of sensitive species near the project area.
- \*In a letter dated 5/23/02, NHDHR stated that the project will have "no adverse impacts" with regards to historical, archaeological and cultural resources.
- \*In a letter dated 8/13/04, the applicant agreed to allow DES a 7-day extension beyond the required 30-day second review process.

Inspection Date: 05/16/2002 by Craig D Rennie

Inspection Date: 11/19/2003 by Craig D Rennie

### APPROVE PERMIT:

Dredge and fill 126,444 square feet (2.9 acres) of palustrine forested/scrub-shrub wetlands to expand an existing 9-hole golf course to an 18-hole course layout. 93,550 square feet of forested wetlands will be cleared and maintained (during frozen conditions) as scrub shrub wetlands to allow for fly-over golf play. Mitigate impacts by assisting The Nature Conservancy (through a \$20,000 financial contribution) to acquire approximately 500 acres of undeveloped land for conservation purposes adjacent to the Pondicherry National Wildlife Refuge.

### With Conditions:

1. All work shall be in accordance with revised plans by Steven E. Cummings, PE dated March 1, 2002, as received by the Department on 11/5/03 and 2/20/04.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the lots in this development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. The permittee shall notify DES and the Whitefield Conservation Commission in writing of their intention to begin construction no less than 5 business days prior to the commencement of construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. The permittee shall designate a qualified professional engineer or certified wetland scientist who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that site monitoring and stabilization is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
9. All clearing within wetlands to create proposed fly-over areas shall be limited to cutting vegetation during frozen conditions with no grading, stumping, rutting, or filling occurring within these areas.
10. No golf play or ball retrieval shall be allowed within fly-over wetland areas.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

12. Orange construction fencing shall be placed at the limits of construction adjacent to wetland areas to prevent accidental encroachment on wetlands.
13. Work shall be done during low flow.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Dredged material shall be placed outside of the DES Wetland Bureau's jurisdiction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Culvert outlets shall be properly rip rapped.
18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
22. A post-construction report (with photographs) documenting the status of the completed project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction. Photos should include all wetland areas that were cleared for fly-over golf play.

MITIGATION CONDITIONS:

23. This permit is contingent upon the deposit of \$20,000 cash into escrow, as a secure commitment towards providing compensatory mitigation for the proposed wetland impacts. Monies then may be used by The Nature Conservancy to help acquire approximately 500 acres of undeveloped land for conservation purposes adjacent to the Pondicherry National Wildlife Refuge.
24. The permittee shall submit verification to DES that the \$20,000 contribution has been deposited prior to construction.
25. If the cash contribution cannot be used for conservation purposes by December 31, 2004, then the permittee shall request a time extension from DES or shall immediately submit a proposed alternative mitigation plan in accordance with NH Administrative Rules Wt 800.
26. Upon completion of the proposed land purchase, the permittee shall provide documentation to DES that the permittee's prorated share of acquired conservation lands meets or exceeds the requirements of Wt 803 and Wt 804.

With Findings:

1. This project is considered a Major Project in accordance with NH Administrative Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. The applicant is proposing to contribute money to The Nature Conservancy to help acquire approximately 500 acres of undeveloped land for conservation purposes adjacent to the Pondicherry National Wildlife Refuge.
3. Wetlands Bureau staff inspected the site on 5/16/02 and 11/19/03 and found certain areas to be highly disturbed due to recent clearing activities and off-road truck events.
4. The Wetland Bureau's Compliance Section is currently working with the applicant to restore all disturbed wetland areas and to develop appropriate OHRV trails.
5. DES public hearing is waived with the finding that the proposed project will not significantly impact the resources of an existing large wetland complex on the southwestern corner of the property and that there has been no significant public opposition to the project.

**2002-02741                      OHALLORAN, AUDREY/MARK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Approv name change to: Shawn & Laurie Olivier, 160 Little River Rd., Hampton NH 03842 per request received 7/28/04.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con. Com. signed

APPROVE NAME CHANGE:

Reconsideration and approve request to: Fill 880 sq ft to construct 50 linear ft of breakwater, in a dogleg configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 12 ft walkway accessed by a 6 ft x 7 ft walkway and 6 ft x 14 ft stairs with two tie-off pilings on an average of 100 ft of frontage on Rattlesnake Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 25, 2003, as received by the Department on April 1, 2003.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A, Boat slip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on February 6, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2003-02487                      KHM, C/O KEN MOSEDALE**  
**CARROLL   Unnamed Wetland**

Requested Action:

Impact 8,089 square feet of palustrine scrub-shrub and forested wetlands for three roadway crossings to provide access to a 24-Lot subdivision known as Woodland Acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments submitted from the Conservation Commission.

The NHF&G expressed concerns about potential degradation to ground water supplies, utilized at the Twin Mountain State Fish Hatchery.

Inspection Date: 05/26/2004 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Impact 8,089 square feet of palustrine scrub-shrub and forested wetlands for three roadway crossings to provide access to a 24-Lot subdivision known as Woodland Acres.

With Conditions:

1. All work shall be in accordance with grading plans by Horizon Engineering sheets 3-5 dated April 2004, as received by the Department on May 12, 2004, erosion control plans by Horizon Engineering, dated April 2004, as received by the Department on August 12, 2004 and subdivision plans by Kellogg Surveying & Mapping, Inc., dated September 2003, as received by the Department on July 22, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 26, 2004. Field inspection determined logging operation conducted on site. No record of permits issued.
6. On May 28, 2004, DES requested that all activities cease on the subject parcel and all exposed soils be stabilized.
7. On June 14, 2004, DES received documentation that work had ceased and the exposed soils had been properly stabilized.
8. The NHF&G Department expressed concerns about potential impacts to the ground water. A State fish hatchery is located directly down gradient of the proposed subdivision which utilizes ground water for raising trout.
9. The Department has determined the proposed project will not adversely impact the ground water quality or quantity.

**2003-02735                      SECHER, STEPHEN**  
**WAKEFIELD   Belleau Lake**

Requested Action:

Dredge an area of lakebed.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Con Com comments by 03/19/04

Con Com has questions concerning spreading Milfoil, disposal of material,

With Findings:

1. 1. A request for additional information dated March 19, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2003-02801                      LEGERE, EMIL**  
**KEENE   Unnamed Wetland**

Requested Action:

Impact 57,400 square feet of palustrine forested wetlands to provide approximately 20 acres of contiguous agricultural land.

Preserve 10.62 acres in a conservation easement comprised of 4.8 acres of wetlands and 5.9 acres of uplands.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission voted 2:1 on January 20, 2004, to intervene. Comments submitted on January 29, 2004, requested consideration for minimizing wetland impacts to "Area C".

Ashuelot River Advisory Committee sees no public benefit from the impacts. States the soils are poorly suited for cultivated crops; the mitigation is favorable, though a net loss of wetlands would be the result from this project.

Inspection Date: 01/08/2004 by Jeffrey D Blecharczyk

Inspection Date: 04/13/2001 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Impact 57,400 square feet of palustrine forested wetlands to provide approximately 20 acres of contiguous agricultural land.  
Preserve 10.62 acres in a conservation easement comprised of 4.8 acres of wetlands and 5.9 acres of uplands.

With Conditions:

1. All work shall be done in accordance with plans by Brick Stone Masons, Inc., received by DES on December 19, 2003 and sediment and erosion control plan by SVE Associates dated March 13, 2003, as received by DES on January 23, 2004. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Appropriate siltation/erosion controls shall be in place prior to regrading, shall be maintained during regrading, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where regrading activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where regrading activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

Wetland preservation:

9. This permit is contingent upon the execution of a conservation easement on 10.62 acres as depicted on plans received July 22, 2004.
10. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
11. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
12. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
13. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
14. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
15. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
16. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This project impacts 57,400 sq ft of forested wetlands for conversion to agricultural lands and is therefore a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Site Specific Permit #WPS-6524 issued on July 9, 2003, for stumping and grading of upland areas for agricultural development.
6. DES Staff conducted a field inspection of the proposed project on January 8, 2004. Site had been cleared, wetlands had not been stumped, silt fence installed.
7. The applicant has proposed revised compensatory mitigation through the placement of 10.62 acre of land in a conservation easement off site.

8. The proposed conservation land is located within the same watershed, adjacent to existing conservation land.
9. Any change in use from nonagricultural practices will require a new wetland application.
10. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

## MINOR IMPACT PROJECT

\*\*\*\*\*

**1999-01788                      TAMCHAR INC**  
**ALLENSTOWN   Tributary To Suncook River**

### Requested Action:

Approve name change to: Allensntown Aggregate, Inc., 603 Old Mammoth Rd., Londonderry, NH 03053 per request received 8/19/04.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Applicant is in compliance with the wetland deficiencies noted on this site on August 9, 1999 ( WB file no. 1999-1633) per letters of Sept. 20,1999 and Jan. 12,2000.

### APPROVE NAME CHANGE:

Dredge and fill 3,620 sq. ft. palustrine forested/ scrub- shrub wetlands to construct a roadway/ culvert crossing to access a single commercial/ industrial lot.

### With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises dated Oct. 05, 1997 as revised on 3/15/99, 7/26/99 and 8/21/99, as received by the Department on Aug. 25, 1999.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Proper headwalls shall be installed.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Work shall be done during low flow.

### With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2001-01349                      HAMPSHIRE VILLAGE AT MEADOWBROOK LLC, C/O PHIL BRO**  
**GILFORD   Gunstock Brook**

### Requested Action:

Request for permit amendment to impact approximately 2,075 square feet within the bed and bank of Gunstock Brook to remove an existing stone stream barb/vein, lower the height of an existing stone stream barb/vein, install an erosion control blanket, and plant native shrub and tree species.



\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated August 23, 2001 the Gilford Conservation Commission stated that it has no objections to the project.

In a letter to the DES Wetlands Bureau, dated July 6, 2001, the Gilford Conservation Commission requested that the Wetlands Bureau place a statutory "hold" on the application until after a site inspection of the property has been conducted.

Inspection Date: 08/21/2001 by Christian P Williams

Inspection Date: 12/03/2002 by Christian P Williams

APPROVE AMENDMENT:

Impact approximately 2,075 square feet within the bed and bank of Gunstock Brook to remove an existing stone stream barb/vein, lower the height of an existing stone stream barb/vein, install an erosion control blanket, and plant native shrub and tree species.

With Conditions:

1. All work shall be in accordance with the Permanent Streambank Stabilization Plan by Steven J. Smith Associates, Inc. dated August 14, 2002 and revised March 25, 2003, as received by the Department on July 23, 2004; and the Planting Plan Details by Schauer Environmental Consultants, LLC dated August 16, 2002 and revised July 22, 2004, as received by the Department on July 23, 2004.
2. All work authorized by this permit shall be completed by September 15, 2005.
3. Within seven (7) days following the completion of work authorized by this permit, fencing and/or signage shall be installed above the top of the stream bank to reduce impacts to bank vegetation.
4. Within thirty (30) days following completion of project activities, the permittee shall submit a report to the DES Wetlands Bureau describing the nature and timing of project activities. Said report shall include color, dated photographs of the project site.
5. Plantings on the stream bank shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
7. No machinery shall enter the water.
8. Work shall be conducted during low flow conditions.
9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. Prior to commencing work associated with removal of the existing stone stream barb/vein, temporary stream diversion and/or dewatering techniques shall be implemented to isolate the stream barb/vein from surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Temporary stream diversion and/or dewatering structures shall be entirely removed immediately following removal of the stream barb/vein.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minor Project, per Rule Wt 303.03(1), as project activities will alter the course of and disturb less than 200 linear feet of the bed and banks of a perennial stream.
2. On September 5, 2001 the DES Wetlands Bureau issued Wetlands and Non-Site Specific Permit No. 2001-01349 authorizing approximately 1,802 square feet of impacts to the bed and bank of Gunstock Brook associated with temporary bank stabilization measures. Conditions #6 and #7 of the permit required submittal of a permanent streambank stabilization plan ("permanent plan"), which incorporated biostabilization techniques, to the DES Wetlands Bureau for review and approval on or before December 31, 2001. Upon approval of the permanent plan by the DES Wetlands Bureau, stabilization measures were to have been implemented

no later than September 15, 2002.

3. In letters to the DES Wetlands Bureau dated January 30, 2002, March 28, 2002 and April 29, 2002, the applicant's authorized agent, Schauer Environmental Consultants, LLC, requested time extensions to submit the permanent streambank stabilization plan.

4. On September 11, 2002 the DES Wetlands Bureau received permanent streambank stabilization plans from Schauer Environmental Consultants, LLC.

5. On December 3, 2002, after completion of activities authorized under Wetlands and Non-Site Specific Permit No. 2001-01349, DES Wetlands Bureau staff conducted an inspection of the site to observe stream bed and bank conditions.

6. Based on observations made during the above-referenced site inspection, the DES Wetlands Bureau, in a letter dated December 4, 2002, requested numerous modifications to the permanent streambank stabilization plan proposed by Schauer Environmental Consultants, LLC.

7. On October 6, 2003 the DES Wetlands Bureau received revised permanent streambank stabilization plans from Schauer Environmental Consultants, LLC.

8. During a telephone conversation with staff from Schauer Environmental Consultants, LLC on February 4, 2004, DES Wetlands Bureau staff requested minor modifications to the revised permanent streambank stabilization plans.

9. On July 23, 2004 the DES Wetlands Bureau received final permanent streambank stabilization plans from Schauer Environmental Consultants, LLC.

**2002-00272                      GIRARDI JR, GEORGE & JUDITH**  
**GILFORD   Lake Winnepesaukee**

**Requested Action:**

Amend permit to include two, 3 piling ice clusters and a seasonal canopy.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com requests plans with scale

Inspection Date: 05/30/2002 by Dale R Keirstead

**APPROVE AMENDMENT:**

Approve re-consideration of plans received on December 5, 2002, for re-construction of 50 ft of retaining wall, permanently remove the existing docking structure and construct a "U" shaped piling supported dock consisting of a 3 ft by 33 ft dock connected to a 10 ft by 33 ft dock by a 3 ft by 12 ft walkway accessed by a 12 ft by 6 ft walkway, install two 3 piling ice clusters, construct a 15 ft by 33 ft seasonal canopy, approve after-the-fact construction of a 9 ft by 18 ft perched beach with a 6 ft wide access steps to the lake on 115 ft of frontage on Lake Winnepesaukee, Gilford.

**With Conditions:**

1. All work shall be in accordance with revised plans by R C Brown dated December 3, 2002, as received by the Department on December 5, 2002 and amendment plans dated January 7, 2002 revision date February 11, 2003, as received by the Department on February 13, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Wall repair shall maintain existing size, location and configuration and shall be conducted landward of the shoreline defined by

the elevation of normal high water so as not to create land in public water.

8. Dredged material and construction debris shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

11. Area shall be regraded to original contours following completion of work.

14. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.

15. This permit does not allow for maintenance dredging.

16. This permit does not allow for any sand replenishment on the beach.

17. Work shall be done during drawdown.

18. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.

19. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

#### With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a docking system.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on May 30, 2002. Field inspection confirmed the need for wall repair.

6. The existing docking facility provides for 3 boatslips.

7. The proposed docking facility provides for 3 boatslips.

8. The applicant has submitted water depths to justify the additional length of the structure.

9. The proposed construction reduces impact over public trust and therefore meets Wt 402.22.

10. The applicant has submitted revised plans which address the issues which gave rise to the original permit denial.

11. The applicant has submitted letters from the abutters stating they have no concerns with the construction of a seasonal canopy.

#### **2003-02406                      HAMILTON HEIGHTS LLC** **EPPING   Unnamed Wetland**

#### Requested Action:

Request for permit amendment to preserve approximately 25.7 acres of wetlands and contiguous upland buffer through deed restrictions, as opposed to a conservation easement, as compensatory mitigation for wetlands and intermittent stream impacts.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated December 1, 2003 the Epping Conservation Commission raised a number of concerns regarding the proposed wetlands compensatory mitigation proposal and the applicant's response to Rule Wt 302.04(a)(4, 7, 13, 14, & 17).

In a letter to the DES Wetlands Bureau dated November 3, 2003 the Epping Conservation Commission (ConCom) requested that the Bureau suspend action on the application to allow the ConCom to further investigate the application, per RSA 482-A:11.

Inspection Date: 01/23/2004 by Christian P Williams

#### APPROVE AMENDMENT:

Dredge and fill approximately 18,190 square feet within forested wetlands and an intermittent stream to construct a roadway to provide access to a 39-lot residential subdivision on approximately 137.3 acres. As compensatory mitigation for wetlands and intermittent stream impacts preserve approximately 25.7 acres of wetlands and contiguous upland buffer through deed restrictions.

#### With Conditions:

1. All work shall be in accordance with the following plans (hereinafter referred to as the "Approved Plans") by Jones & Beach

Engineers, Inc., as received by the Department on February 11, 2004:

- a) The Subdivision Plan (Sheets 2 - 4 of 23), the Easement Plan (Sheets 5 - 7 of 23), the Existing Conditions Plan (Sheets 8 - 10 of 23), the Overview Subdivision Plan (Sheet 11 of 23), the Topography and Soils Plan (Sheets 12 - 14 of 23) the Roadway Plan and Profile (Sheets 15 - 19 of 23), and the General Details (Sheet 21 of 23) dated March 28, 2003 and revised December 10, 2003; and
- b) The General Details (Sheets 20 and 22 of 23) and the Erosion and Sediment Control Details (Sheet 23 of 23) dated October 1, 2002 and revised December 10, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Dam Safety Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau by September 30, 2004.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
10. Work shall be conducted during low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
21. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

26. This permit is contingent upon the preservation of a total of 25.73 acres, including approximately 7.84 acres of forested wetlands and approximately 17.88 acres of

contiguous upland buffer, through deed restrictions placed on Lot 43 (Epping Tax Map 22), as depicted on the Approved Plans.

27. The deed restrictions to be placed on the 25.73-acre preservation area shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions.

28. The plan noting the 25.73-acre preservation area with a copy of the final warranty deed shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau by September 30, 2004.

29. The applicant shall prepare a report summarizing existing conditions within the 25.73-acre preservation area. Said report shall contain photographic documentation of the preservation area, and shall be submitted to the DES Wetlands Bureau prior to construction to serve as a baseline for future monitoring of the area.

30. The 25.73-acre preservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] by September 30, 2004.

31. Signs to indicate the location of and restrictions on the preservation area shall be posted no further than every 150 feet along the boundary of the preservation area by September 30, 2004.

32. The permittee shall notify the NHDES Wetlands Bureau of the placement of the preservation area signs by September 30, 2004.

33. Activities in contravention of the final Conservation Easement Deed shall be construed as a violation of ROSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit amendment authorizes the preservation of approximately 25.7 acres of wetlands and contiguous upland buffer through deed restrictions, as opposed to a conservation easement, as compensatory mitigation for wetlands and intermittent stream impacts.

2. The 25.7-acre property is to be deeded to the Town of Epping. The Warranty Deed for the property is subject to the condition that the only use of the property by the Town of Epping will be for future installation, maintenance, monitoring and replacement of its municipal well and water system.

3. In a letter dated June 30, 2004, Scott LaPointe, the attorney representing the Town of Epping, indicated that the Epping Board of Selectmen, Planning Board and Water/Sewer Commission prefer that the parcel be preserved through deed restrictions, as opposed to a conservation easement. Furthermore, Mr. LaPointe's letter states that the Epping Board of Selectmen voted not to accept the originally proposed conservation easement on the parcel.

4. During a telephone conversation with DES Wetlands Bureau staff on August 18, 2004, the Epping Conservation Commission indicated that it did not object to the proposed amendment request.

**2003-02732                      KONIOR, MARYELLEN**  
**ENFIELD   Crystal Lake**

Requested Action:

Retain fill in the lake for beach construction.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com does not approve of project, fill in the lake.

Inspection Date: 04/06/2004 by Dale R Keirstead

With Findings:

1. 1. A request for additional information dated April 8, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-00206 REINER TRUSTEE, CARL**  
**ANDOVER Bradley Brook**

Requested Action:

Retain 280 square feet of permanent impacts to the stream banks along Bradley Brook for bridge construction, which required approximately 144 square feet of temporary impacts to the stream bed for construction access. Remove stone rip rap impacting 210 square feet of bank and stabilize with vegetation in accordance with mitigation plan.

\*\*\*\*\*

APPROVE PERMIT:

Retain 280 square feet of permanent impacts to the stream banks along Bradley Brook for bridge construction, which required approximately 144 square feet of temporary impacts to the stream bed for construction access. Remove stone rip rap impacting 210 square feet of bank and stabilize with vegetation in accordance with mitigation plan.

With Conditions:

1. All bridge construction shall be in accordance with plans by Steve Lamb, as received by the Department on March 17, 2004 and mitigation plans and description by Michael Simpson, received March 17, 2004.
2. This permit is contingent upon the restoration of 210 sq. ft. of stream bank in accordance with plans received March 17, 2004.
3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
7. Restoration of the banks shall have at least 75% successful establishment of vegetation after one growing season, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
9. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a nontidal perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES was contacted on January 16, 2004, concerning potential work in wetlands jurisdiction for bridge construction with out a

wetlands permit.

6. DES Staff conducted a field inspection of the project on January 22, 2004. Field inspection determined abutments for bridge had been constructed, steel stringers in place, inconclusive determination for potential impacts in jurisdiction.
7. DES Staff conducted a field inspection of the project on February 5, 2004. Field inspection determined an estimated 520 sq ft of impacts had occurred to the banks along Bradley Brook for construction and stabilization of the new bridge abutments.
8. The Department has determined the project is a replacement of an existing bridge crossing over Bradley Brook.
9. The Department has determined the proposed project will have minimal impacts on the riverine ecosystem.
10. On July 30, 2004, DES received documentation providing consent to conduct the bridge repairs.

**2004-00313                      WHITE FENCES DEVELOPMENT CORP.**  
**NEWTON   Unnamed Wetland**

Requested Action:

Fill approximately 9,191 square feet within forested wetlands and within the bed and banks of an intermittent stream to construct roadways to provide access to an 80-unit elderly housing development on approximately 65.97 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments received from the Newton Conservation Commission.

APPROVE PERMIT:

Fill approximately 9,191 square feet within forested wetlands and within the bed and banks of an intermittent stream to construct roadways to provide access to an 80-unit elderly housing development on approximately 65.97 acres.

With Conditions:

1. All work shall be in accordance with the following plans by True Engineering:
  - a) The Consolidation Plan (Sheets 2 & 3 of 32), and the Existing Conditions Plan (Sheets 4 & 5 of 32) dated November 20, 2003 and revised July 21, 2004, as received by the Department on July 27, 2004;
  - b) The Roadway Plan and Profiles (Sheets 8-14, 16, 17 & 20 of 32), the Grading Plan (Sheets 22-25 of 32), the Sign and Roadway Details (Sheet 26 of 32), the Soil and Erosion Control Details (Sheet 27 of 32) and the Drainage Details (Sheet 28 of 32) dated November 20, 2003 and revised May 18, 2004, as received by the Department on June 28, 2004; and
  - c) The Roadway Plan and Profiles (Sheets 15, 18 & 19 of 32) and the Grading Plan (Sheet 21 of 32) dated November 20, 2003 and revised June 14, 2004, as received by the Department on June 28, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Newton Conservation Commission of the date project construction is proposed to begin.
7. Work shall be conducted during low flow conditions.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.

2. In a letter dated February 5, 2004 the NH Natural Heritage Bureau stated that it had no recorded occurrences for sensitive species near the project area.

3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.

4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

6. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS-6839 on June 30, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

**2004-00619                      BOULARD, DONALD & DORIS**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 5 ft x 40 ft hinged seasonal dock and replace with a 6 ft x 50 ft hinged seasonal dock, and remove (2) rocks for navigation on an average of 124 ft of frontage on Moultonborough Neck, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE PERMIT:

Permanently remove an existing 5 ft x 40 ft hinged seasonal dock and replace with a 6 ft x 50 ft hinged seasonal dock, and remove (2) rocks for navigation on an average of 124 ft of frontage on Moultonborough Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 6, 2004, as received by the Department on August 13, 2004.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be



avoided.

7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. The seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
10. Rocks removed from the lake bed shall be placed outside of the jurisdiction of the DES Wetlands Bureau unless another use is specifically permitted.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of less than 20 cu yd of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00620                      PROVIDENCE BAPTIST CHURCH**  
**EPPING   Unnamed Wetland**

Requested Action:

Fill approximately 12,061 square feet of man-made wet meadow wetlands to construct a parking lot for a proposed church on approximately 10.43 acres.

As compensatory mitigation for wetlands impacts, preserve approximately 3.05 acres on-site through execution of a conservation easement.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In an electronic mail communication dated July 6, 2004 the Epping Conservation Commission indicated that it is willing to hold a conservation easement on the property.

In a letter dated April 22, 2004 the Epping Conservation Commission recommended that the eastern-most boundary of the proposed conservation easement intersect the corner of the existing Folsom Conservation Area at a point to improve future monitoring.

APPROVE PERMIT:

Fill approximately 12,061 square feet of man-made wet meadow wetlands to construct a parking lot for a proposed church on approximately 10.43 acres.

As compensatory mitigation for wetlands impacts, preserve approximately 3.05 acres on-site through execution of a conservation easement.

With Conditions:

1. All work shall be in accordance with the following plans:
  - a) The Existing Conditions Plan (Sheet 1 of 6) and the Proposed Conservation Easement Plan (Sheet 2 of 6) by Parker Survey & Engineering dated January 30, 2004 and revised July 8, 2004, as received by the Department on July 30, 2004;
  - b) The plan entitled "For Wetland Permit Purposes" (Sheet 1 of 1) by Parker Survey & Engineering dated February 10, 2004 and revised July 12, 2004, as received by the Department on July 30, 2004; and
  - c) The Typical Notes & Drainage Details (Sheet 5 of 6) and the Erosion Control & Drainage Details (Sheet 6 of 6) by Parker Survey & Engineering dated February 11, 2004 and revised April 2, 2004, as received by the Department on April 13, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Stone aprons shall be installed at culvert outlets, where appropriate to dissipate flow velocities and prevent scour and erosion.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

15. This permit is contingent upon the execution of a conservation easement on approximately 3.05 acres as depicted on the Proposed Conservation Easement Plan (Sheet 2 of 6) by Parker Survey & Engineering dated January 30, 2004 and revised July 8, 2004, as received by the Department on July 30, 2004.
16. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
17. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
18. The preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
19. Signs to indicate the location of and restrictions on the preservation area shall be posted no further than every 150 feet along the boundaries of the preservation area prior to construction.
20. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the preservation area signs.
21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is categorized as a Minor Impact Project per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. In a memo dated February 12, 2004 the NH Natural Heritage Bureau indicated that state-endangered Brook Floater mussels, as well as Blanding's and Wood turtles, have been identified in the vicinity of the proposed project.
3. In a letter dated March 16, 2004 the NH Fish and Game Department stated that the project is not likely to impact Brook Floater mussels, nor is the site likely to provide primary habitat for Blanding's and Wood turtles.
4. To compensate for permanent project-related wetlands impacts the applicant has agreed to preserve, through execution of a conservation easement, approximately 3.05 acres on-site, including 0.33 acres of palustrine forested wetlands and approximately 2.72 acres of contiguous upland buffer. The proposed conservation easement area borders the "John Folsom Conservation Area", a group of properties owned by the Town of Epping that are dedicated to natural resource protection.
5. In an electronic mail communication dated July 6, 2004 the Epping Conservation Commission indicated that it is willing to hold the conservation easement on the property.
6. The wetlands compensatory mitigation proposal exceeds the ratios listed in Table 800-1 of the DES Wetlands Bureau's Compensatory Mitigation Rules (Chapter Wt 800).
7. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
8. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to

areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

9. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00770                      TURGEON FAMILY TRUST**  
**SOMERSWORTH   Unnamed Wetland**

**Requested Action:**

Temporarily impact approximately 4,100 square feet of wet meadow wetlands to install an 8-inch diameter sewer main.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

In a report received by the DES Wetlands Bureau on May 5, 2004, the Somersworth Conservation Commission indicated that it had no objection to issuance of a permit for the project.

**APPROVE PERMIT:**

Temporarily impact approximately 4,100 square feet of wet meadow wetlands to install an 8-inch diameter sewer main.

**With Conditions:**

1. All work shall be in accordance with the Subdivision Plan (Sheet S-1) by Trittech Engineering Corporation dated September 10, 2003 and revised February 19, 2004, as received by the Department on July 23, 2004; and the plan by the City of Somersworth depicting the 30-foot utility easement and proposed temporary wetlands impacts, as received by Department on April 29, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted during low flow conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
6. Dredged material not used to backfill the sewer line trench shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Temporary wetland impact areas shall be restored to original contours, seeded with a wetland seed mix and stabilized immediately following completion of work.
8. Restoration of temporary wetland impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. The project is necessary to connect an existing municipal sewer main to a recently approved residential subdivision. Proposed temporary wetlands impacts associated with installation of the sewer main were depicted on plans approved in accordance with

issuance of Wetlands and Non-Site Specific Permit No. 2004-00195.

3. Proposed wetlands impacts will be temporary in nature.

4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.

5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

**2004-00850                      NH DEPT OF TRANSPORTATION**  
**LEMPSTER   Cold River**

Requested Action:

Replace twin 48 in. x 49 ft. culverts, extend 1 ft., reconstruct headers and add stone to protect outlet impacting 925 sq. ft. (498 sq. ft. temporary).

\*\*\*\*\*

APPROVE PERMIT:

Replace twin 48 in. x 49 ft. culverts, extend 1 ft., reconstruct headers and add stone to protect outlet impacting 925 sq. ft. (498 sq. ft. temporary). NHDOT project #M-215-13.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 2 as received by the Department on May 6, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of stream channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01057                      GIBBONS, ROBERT**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Dredge 332 sqft from one side of a boathouse and 256 sqft from the other side for a total 17 cy from 588 sqft in Lake Winnepesaukee, Meredith.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no objections to proposed project.

APPROVE PERMIT:

Dredge 332 sqft from one side of a boathouse and 256 sqft from the other side for a total 17 cy from 588 sqft in Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 12, 2004, as received by the Department on August 13, 2004.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. This permit does not allow for any dredge outside of the footprint adjacent to the boathouse.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. No work is authorized to the boathouse or associated docks.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g).

**2004-01080 COTTAGE REALITY TRUST, DENNIS & ALICE ROBERTS**  
**LACONIA Lake Winnepesaukee**

Requested Action:

Remove an existing 5 ft 3 in x 35 ft piling dock, construct a 4 ft 6 in x 40 ft piling dock, and drive (4) pilings for a boatlift on an average of 60 ft of frontage on Paugus Bay, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Remove an existing 5 ft 3 in x 35 ft piling dock, construct a 4 ft 6 in x 40 ft piling dock, and drive (4) pilings for a boatlift on an average of 60 ft of frontage on Paugus Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 5, 2004, as received by the Department on May 27, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to

new construction.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant meets the requirements under Wt 402.22, modification of existing structures, by a total reduction in docking square footage of 3 square feet, and by relocating the dock farther from the property line.

**2004-01184                      NH DEPT OF TRANSPORTATION**  
**TEMPLE    Blood Brook**

Requested Action:

Replace bridge deck, repair cracks in abutments and install stone for bank stabilization impacting 1,975 sq. ft. of stream and banks (1,425 sq. ft. temporary).

\*\*\*\*\*

APPROVE PERMIT:

Replace bridge deck, repair cracks in abutments and install stone for bank stabilization impacting 1,975 sq. ft. of stream and banks (1,425 sq. ft. temporary). NHDOT project #99035T.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by NHDOT Bureau of Bridge Maintenance signed 2/04, as received by the Department on June 4, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01355 NH DEPT OF TRANSPORTATION**

**HAMPTON Unnamed Wetland**

Requested Action:

Fill 15,890 sq. ft. of palustrine forested and emergent wetlands to widen the Hampton Toll Plaza at Routes 101 & 95, realign ramps and install overhead signs.

\*\*\*\*\*

APPROVE PERMIT:

Fill 15,890 sq. ft. of palustrine forested and emergent wetlands to widen the Hampton Toll Plaza at Routes 101 & 95, realign ramps and install overhead signs. NHDOT project #13760.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Turnpikes dated 3-04 as received by the Department on June 21, 2004.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. Mitigation for this project shall be provided in the future as outlined in the NHDOT Environmental Study received by the Department on June 21, 2004.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant presented information to the Natural Resource Agencies at meetings on December 19, 2001, January 21, 2004 and April 21, 2004. A consensus of the Agencies determined that the mitigation for the project should not be through removal of the old ramp and the permit be issued with a condition that mitigation will be provided in the future.

**2004-01481                      DERDERIAN, MARK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 8 ft x 49 ft floating seasonal dock, and replace with a 6 ft x 34 ft piling pier on an average of 100 ft of frontage on Sleeper Island, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

APPROVE PERMIT:

Permanently remove an existing 8 ft x 49 ft floating seasonal dock, and replace with a 6 ft x 34 ft piling pier on an average of 100 ft of frontage on Sleeper Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 18, 2004, as received by the Department on July 1, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. The existing seasonal dock and all construction debris shall be completely removed from DES Wetlands Bureau jurisdiction prior to new construction.
8. Pilings shall be set no closer than 12 feet as measured center to center.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.



10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 2-slip piling pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed pier will provide the sole method of access to this island property, therefore the construction of a permanent structure is warranted.

2004-01542

NH DEPT OF TRANSPORTATION

CLAREMONT Stevens Brook

Requested Action:

Slipline and extend a 48 in. x 36 ft. culvert 10 feet at each end, construct new headers and add stone apron impacting a total of 671 sq. ft. (temporary 160 sq. ft.)

\*\*\*\*\*

APPROVE PERMIT:

Slipline and extend a 48 in. x 36 ft. culvert 10 feet at each end, construct new headers and add stone apron impacting a total of 671 sq. ft. (temporary 160 sq. ft.) NHDOT project #M-212-12.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 2 dated 5-19-04, as received by the Department on June 9, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01587                      LANCASTER, TOWN OF**  
**LANCASTER   Israel River**

Requested Action:

Repair existing timber truss, install concrete toe walls, repair abutments and wing walls, place stone for protection and extend wall 8 feet impacting 4,800 sq. ft. of stream and banks (4,250 sq. ft. temporary). NHDOT project #14071.

\*\*\*\*\*

APPROVE PERMIT:

Repair existing timber truss, install concrete toe walls, repair abutments and wing walls, place stone for protection and extend wall 8 feet impacting 4,800 sq. ft. of stream and banks (4,250 sq. ft. temporary). NHDOT project #14071.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by NHDOT Bridge Maintenance Bureau dated 4/04, as received by the Department on July 13, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and

areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

17. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1, alteration of less than 200 linear feet of a stream or banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

**1999-01576                      FULLERTON, RUTH**  
**NEW DURHAM   Merrymeeting Lake**

Requested Action:

Approve name change to: Norman K Maguire, 8 Birch Hill Ave., Wakefield MA 01880 per request received 8/12/04.

\*\*\*\*\*

APPROVE NAME CHANGE:

Approve the repair of approximately 90 linear feet of existing stone and concrete retaining wall, including 200 square feet of temporary wetlands impact, on approximately 100 feet of frontage.

With Conditions:

1. Repair shall maintain existing size, location and configuration.

2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Work shall be done during drawdown.

5. All work shall be in accordance with plans by R.E. Sullivan, Winnepesaukee Marine, dated 7/29/99, as received by the Department on August 3, 1999.

6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-00148                      DUMOUCHEL, EILEEN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Applicant requests amendment by adding 11 additional feet of riprap.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed with condition that replenishment of beach does not appear on application

APPROVE AMENDMENT:

Amend Permit to Read:

Permanently remove 20 linear ft of wood retaining wall and replace with 124 sq ft of riprap adjacent to an existing 4 ft x 30 ft piling pier connected to an existing 8 ft x 33 ft full crib dock with a 3 ft 2 in x 12 ft walkway in a U-shape, and replenish an existing 16 ft x 31 ft perched beach with 5 cu yds of sand on an average of 155 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

With Amended Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 21, 2003, revised August 11, 2004, as received by the Department on August 13, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Dredged or removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
8. No more than 5 cu yds of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. The existing timber retaining wall shall be removed prior to the placement of rip-rap and shall not be replaced or re-installed.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01078 PALMER, ELLIOT**  
**WARNER Warner River**

Requested Action:

Retain the replacement of 37 linear feet of a retaining wall and complete an additional 10 linear feet of wall.

\*\*\*\*\*

APPROVE PERMIT:

Retain the replacement of 37 linear feet of a retaining wall and complete an additional 10 linear feet of repairs.

With Conditions:

1. All work shall be in accordance with plans by the applicant dated August 6, 2004, as received by the Department on August 6, 2004.
2. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
3. Repairs shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
2. Repair shall maintain existing size, location and configuration.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-01209                      CRONIN, CELESTE**  
**WASHINGTON    Unnamed Wetland**

Requested Action:

Retain 165 square feet of fill in palustrine forested wetlands for drinking well access and restore 961 square feet of palustrine forested wetlands.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ARLAC approves of the proposal with the exception of proposed plantings. Recommends native, deciduous plantings that exist on site.

Washington Conservation Commission conducted a site inspection and determined the existing vegetation is primarily coniferous.

APPROVE PERMIT:

Retain 165 square feet of fill in palustrine forested wetlands for drinking well access and restore 961 square feet of palustrine forested wetlands.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated May 21, 2004, as received by the Department on June 8, 2004.
2. The restoration shall be done according to the approved plan received June 8, 2004, and correspondence from the Washington Conservation Commission, received August 18, 2004. Any changes or alterations must be requested in writing and approved by

DES in writing prior to implementing any such changes or alterations.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Restoration area shall be regraded to original contours following completion of work.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
10. Submit an initial monitoring report with photographs to DES within 20 days of the completion. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

With Findings:

1. This project will fill 165sq ft for well access and restore 961 sq ft and is therefore a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The ARLAC requested restoration area is planted with plants similar to the existing forest cover.
6. The Conservation Commission documented a coniferous forest cover, as proposed on the restoration plan.

**2004-01402                      AMHERST, TOWN OF**  
**AMHERST   Souhegan River**

Requested Action:

Reconstruct existing stairs to include a second parallel set of stairs for upgraded canoe launch at Souhegan Canoe Port town access site; stair set dimensions 21.5' length (only bottom step in water) x 4' wide.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission endorses project, and is conducting stabilization project (2004-1536) in conjunction with this project.

Inspection Date: 07/22/2004 by Dori A Wiggin

APPROVE PERMIT:

Reconstruct existing stairs to include a second parallel set of stairs for upgraded canoe launch at Souhegan Canoe Port town access site; stair set dimensions 21.5' length (only bottom step in water) x 4' wide.

With Conditions:

1. All work shall be in accordance with plans by Nate Loy dated June 18, 2004, as received by the Department on June 24, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
4. Project shall be constructed in coordination with and subsequent to the Amherst Conservation Commission project to install rip rap bank stabilization over which the new stair set will be installed.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum based on the degree of environmental impact.
2. Field inspection by DES personnel determined on 7/22/04 of both this proposal and the related proposal (2004-1536) to stabilize the bank beneath the proposed stair set, found that the project represents improved access for canoe launching with minimal associated environmental impact. Attempts by Conservation Commission to use vegetative stabilization in the past have failed due to abusive site use. The two projects will stabilize bank, replace destructive access area with controlled, maintainable, and stable means of access for both foot traffic and canoes.
3. The improved canoe launch is further endorsed by the Souhegan High School canoe program, per letter received by DES on July 8, 2004 from the Souhegan High School.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
7. No comments were received from the Local Rivers Advisory Committee.
8. The two listed species noted by Natural Heritage Inventory, the Eastern Hognose Snake, and the Banded Sunfish, are located over one mile in either direction from the project site.

**2004-01486                      NH DEPT OF TRANSPORTATION**  
**BOW   Merrimack River**

Requested Action:

Replace two overhead signs impacting 1,387 sq. ft. of ditch and bank (1,344 sq ft. temporary).

\*\*\*\*\*

APPROVE PERMIT:

Replace two overhead signs impacting 1,387 sq. ft. of ditch and bank (1,344 sq ft. temporary). NHDOT project #14099.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Traffic as received by the Department on July 2, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

**2004-01536                      AMHERST, TOWN OF**  
**AMHERST   Souhegan River**

Requested Action:

Install 12 linear ft. (200 sq. ft.) of rip rap for stabilization of eroded bank of designated Souhegan River at town access area.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. submitted (and signed) application for Town-owned Souhegan River Canoe Port access area.

Inspection Date: 07/22/2004 by Dori A Wiggin

APPROVE PERMIT:

Install 12 linear ft. (200 sq. ft.) of rip rap for stabilization of eroded bank of designated Souhegan River at town access area.

With Conditions:

1. All work shall be in accordance with plans by Town of Amherst Conservation Commission dated May 19, 2004, as received by the Department on July 8, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum based on the degree of environmental impact.
2. Field inspection by DES personnel determined on 7/22/04 of both this proposal and the related proposal (2004-1402) to upgrade access stairs to the river, found that the project represents necessary and beneficial stabilization of the bank with minimal associated environmental impact. Attempts by Conservation Commission to use vegetative stabilization in the past have failed due to abusive site use. The two projects will stabilize bank, replace destructive access area with controlled, maintainable, and stable means of access for both foot traffic and canoes.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. No comments were received from the Local Rivers Advisory Committee.

**2004-01537                      NH DEPT OF TRANSPORTATION**  
**DANVILLE   Unnamed Stream Ditch**

Requested Action:

Reset 15 in. culvert, clean an 15 in culvert, construct headwalls on both, dredge ditch between and on north side of Route 111A impacting 785 sq. ft. (640 sq. ft. temporary).

\*\*\*\*\*

APPROVE PERMIT:

Reset 15 in. culvert, clean an 15 in culvert, construct headwalls on both, dredge ditch between and on north side of Route 111A impacting 785 sq. ft. (640 sq. ft. temporary). NHDOT project #M615A.

With Conditions:



1. All work shall be in accordance with plans by NHDOT District 6 as received by the department on July 8, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**2004-01538                      ZAMBARAS, GREGORY**  
**CAMPTON   Unnamed Wetland**

Requested Action:

Fill approximately 2,000 square feet of palustrine forested wetlands and install two culverts on an existing ROW to provide access to two lots.

\*\*\*\*\*

APPROVE PERMIT:

Fill approximately 2,000 square feet of palustrine forested wetlands and install two culverts on an existing ROW to provide access to two lots.

With Conditions:

1. All work shall be in accordance with plans by Neil McIver, as received by the Department on July 8, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. No fill shall be done for lot development.
5. Work shall be done during low or non flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01656                      NH DEPT OF DOT, DISTRICT 2**  
**LEBANON   Unnamed Wetland**

Requested Action:

Impact a total of 609 sq. ft. of emergent wetland (442 sq. ft. temporary) to widen road and provide a 3 ft. shoulder.

\*\*\*\*\*

Conservation Commission/Staff Comments:

LCC asks that this application be reviewed as a Std Dredge & Fill not as an Expedited due to wetland impacts

Inspection Date: 06/15/2004 by Gino E Infascelli

APPROVE PERMIT:

Impact a total of 609 sq. ft. of emergent wetland (442 sq. ft. temporary) to widen road and provide a 3 ft. shoulder. NHDOT project #14141.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated 6/01/04, as received by the Department on July 20, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
13. The impacts associated with the temporary work shall be restored immediately following construction.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2004-01740                      TRUSTEES OF DARTMOUTH COLLEGE, C/O KEVIN EVANS**  
**SEC COLL GRANT   Unnamed Stream**

COMPLETE NOTIFICATION:

Second College Grant Tax Map 1625, Lot# 3 & 4

**2004-01807                      DANFORTH, RAYMOND & HILDRETH**  
**SHELBURNE   Unnamed Stream**

COMPLETE NOTIFICATION:

Shelburne Tax Map 8, Lot# 12A, 13, 19A & 25A

**2004-01815                      GREEN CROW CORP**  
**NEW IPSWICH   Unnamed Stream**

COMPLETE NOTIFICATION:

New Ipswich Tax Map 4 / 5A, Lot# 11&18 /9

**2004-01844                      CAMERON SR, WILLIAM**  
**FARMINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Farmington Tax Map R46, Lot# 3

**2004-01845                      COOMBS, JEFFREY**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:

Sanwich Tax Map R10, Lot# 48

**2004-01847                      TROY, TOWN OF**  
**TROY   Unnamed Stream**

COMPLETE NOTIFICATION:

Troy Tax Map 11, Lot# 5

**2004-01848                      NAILOR, JACK & MARGARET**  
**NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:

Newport Tax Map 83, Lot# 1159

**2004-01849                      NAILOR, JACK & MARGARET**  
**CROYDON   Unnamed Stream**

COMPLETE NOTIFICATION:

Croydon Tax Map 17, Lot# 57

**2004-01864**                      **MOODY, JOHN**  
**WEARE**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Weare Tax Map 420, Lot# 280, 290, 311 & 312

**2004-01867**                      **CARPENTER, WILLIAM & KATHLEEN**  
**BARNSTEAD**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Barnstead Tax Map 5, Lot# 37

**2004-01869**                      **DRED, FOX STATE FOREST**  
**HILLSBOROUGH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Hillsboro Tax Map 9, Lot# 2 Fox State Forest

**2004-01870**                      **BRONANDER, ALBERT**  
**PLYMOUTH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Plymouth Tax Map 8, Lot# 2

**2004-01872**                      **DAVIS, ALAN & JULIE**  
**MILTON**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Milton Tax Map 31, Lot# 2

**2004-01873**                      **YANKEE FOREST LLC, C/O WAGNER FOREST MGMT**  
**CAMBRIDGE**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Cambridge Tax Map 16-13, Lot# L-3

**2004-01906**                      **MAVES, ANDREW**  
**ALEXANDRIA**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Alexandria Tax Map 407, Lot# 1

**2004-01907**                      **RUGER JR, WILLIAM**  
**CROYDON**   **Unnamed Stream**

COMPLETE NOTIFICATION:

Croydon Tax Map 14, Lot# 16, 103 & 206

**2004-01908                      RUGER JR, WILLIAM**  
**NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:

Newport Tax Map 6, Lot# 521

**2004-01934                      WHITE, AARON & ANGIE**  
**BENTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Benton Tax Map 28, Lot# J

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2004-00880                      GLANCE, MARY ANN STYS**  
**PELHAM   Unnamed Wetland**

Requested Action:

Temporarily impact approximately 275 square feet of scrub-shrub forested wetland (including 4 feet of linear impact to a perennial stream) to extend an existing culvert for the construction a sidewalk to improve public safety.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Pelham conservation commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact approximately 275 square feet of scrub-shrub forested wetland (including 4 feet of linear impact to a perennial stream) to extend an existing culvert for the construction a sidewalk to improve public safety.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated April 2004, as received by the Department on June 14, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. All material removed during work activities shall be removed down to the level of the original hydric soils.

10. All material removed during work activities shall be placed out of DES's jurisdiction.
11. Mulch within the restoration area shall be straw.
12. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
13. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01461                      ZARSE, CURTIS/KAREN**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 820 square feet of forested wetland to upgrade an existing crossing to allow emergency access for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 820 square feet of forested wetland to upgrade an existing crossing to allow emergency access for fire protection.

With Conditions:

1. All work shall be in accordance with plans by Lindon Design Associates dated February 23, 2004, as received by the Department on June 29, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

5. The applicant received consent from abutter James B. Kinter, Tax Map/Lot 129/4, for work within 20-feet of the property line.

**2004-01504                      BOUDRIA, CORNEL & MARA**  
**ENFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 240 square feet of forested wetland (including 20 linear feet of impact to an intermittent stream) for the installation of a 30-inch culvert to access a single family residential lot on approximately 2.25 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Enfield Conservation Commission did not sign the Minimum Impact Expedited Application.

The Enfield ConComm did submit comment with no objection.

APPROVE PERMIT:

Dredge and fill approximately 240 square feet of forested wetland (including 20 linear feet of impact to an intermittent stream) for the installation of a 30-inch culvert to access a single family residential lot on approximately 2.25 acres.

With Conditions:

1. All work shall be in accordance with plans by Carlisse Clough, Northeast Septic Designs dated June 18, 2004 as received by the Department on July 6, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), Installation of a culvert, bridge, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01645                      MME REVOC TRUST, MARJORIE ENNIS TTEE**  
**CANTERBURY   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 785 square feet of forested wetland to install a 12-inch by 26 foot culvert as part of a common driveway for a three (3)-lot subdivision of approximately 12.77 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Canterbury Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

Dredge and fill approximately 785 square feet of forested wetland to install a 12-inch by 26 foot culvert as part of a common driveway for a three (3)-lot subdivision of approximately 12.77 acres.

**With Conditions:**

1. All work shall be in accordance with the following plans by FWS land Surveying PLLC as received by the Department on July 19, 2004:
  - a.) The Wetland Crossing Plan dated June 25, 2004;
  - b.) The Minor Subdivision Plat Plan (Sheet 1 of 1)dated June 28, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01652                      COOLEY, JAMES**  
**ANDOVER   Highland Lake**

**Requested Action:**

Replace 29 linear ft of concrete retaining wall in-kind, replace 60 linear ft of wood retaining wall with concrete, repair an existing 8 ft x 10 ft concrete pad, and install a 4 ft x 20 ft seasonal dock on an average of 100 ft of frontage on Highland Lake, Andover.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con. Com. signed application.

**APPROVE PERMIT:**

Replace 29 linear ft of concrete retaining wall in-kind, replace 60 linear ft of wood retaining wall with concrete, repair an existing 8 ft x 10 ft concrete pad, and install a 4 ft x 20 ft seasonal dock on an average of 100 ft of frontage on Highland Lake, Andover.

**With Conditions:**

1. All work shall be in accordance with plans by James R. Cooley, as received by the Department on July 19, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of



the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work shall be done during low water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01673**

**GARDNER COVE ASSOCIATION, SARAH BALDWIN-WELCOME**

**GILMANTON Loon Pond**

Requested Action:

Replenish an existing 880 sq ft beach with 10 cubic yards of sand on an average of 1200 ft of frontage on Loon Pond, Gilmanton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replenish an existing 880 sq ft beach with 10 cubic yards of sand on an average of 1200 ft of frontage on Loon Pond, Gilmanton.

With Conditions:

1. All work shall be in accordance with plans by Gardner Cove Conservation Association, as received by the Department on July 21, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.

9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(aa), replenishment of an existing beach utilizing no more than 10 cubic yards of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01708                      C&E REALTY, EUGENIE FORAN TTEE**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Replace existing wooden stairs and terracing with granite accessing an existing "U" shaped docking structure, and level an existing beach area and surround with 88 linear ft of stone wall, with steps accessing the beach and the water, on an average of 195 ft of frontage on Winter Harbor, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replace existing wooden stairs and terracing with granite accessing an existing "U" shaped docking structure, and level an existing beach area and surround with 88 linear ft of stone wall, with steps accessing the beach and the water, on an average of 195 ft of frontage on Winter Harbor, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 15, 2004, as received by the Department on July 23, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used once and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of

vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), modification of an existing perched beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01894                      DONNELLY, CHRIS**  
**SUTTON   Unnamed Stream**

Requested Action:

Dredge and fill approximately 740 square feet of forested wetland (including 20 linear impact to an intermittent stream) for the installation of a 36-inch by 20 foot culvert to access a single family residential lot of approximately 21.6 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Sutton Conservation Commission signed the PBN.

APPROVE PERMIT:

Dredge and fill approximately 740 square feet of forested wetland (including 20 linear impact to an intermittent stream) for the installation of a 36-inch by 20 foot culvert to access a single family residential lot of approximately 21.6 acres.

With Conditions:

1. All work shall be in accordance with plans by Robert C. Stewart, Jr. dated July 15, 2004, as received by the Department on August 13, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## TRAILS NOTIFICATION

\*\*\*\*\*

**2004-01868                      DRED - TRAILS BUREAU**  
**ALLENSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Beaver Brook State Park

## LAKES-SEASONAL DOCK NOTIF

\*\*\*\*\*

**2004-01928                      MONTGOMERY, NAN**  
**ALSTEAD   Lake Warren**

COMPLETE NOTIFICATION:  
Alstead Tax Map 31, Lot# 57 & 58 Lake Warren

**2004-01929                      MORGAN, ROBERT & VICKI**  
**GILMANTON   Manning Lake**

COMPLETE NOTIFICATION:  
Gilmanton Tax map 6, Lot# 6 Manning Lake

**2004-01931                      PROZZO, MICHAEL & DEBRA**  
**NEWBURY   Chalk Pond**

COMPLETE NOTIFICATION:  
Newbury Tax Map 29A, Lot# 792-3 Chalk Pond

## SHORELAND VARIANCE / WAIV

\*\*\*\*\*

**2004-00208                      TUXBURY POND CAMPING AREA**  
**SOUTH HAMPTON   Tuxbury Pond**

Requested Action:  
Remove trees for development of campsites.  
\*\*\*\*\*

Inspection Date: 03/23/2004 by Dale R Keirstead

With Findings:

1. A request for additional information dated March 25, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-01199 CHASE, STEVEN C**  
**WEARE Horace Lake**

Requested Action:

Grant waiver to RSA 483-B:11, I, to expand the existing footprint and outside dimensions of a nonconforming residence by adding an 8 ft by 22 ft addition to the side of the residence and constructing an additional floor.

\*\*\*\*\*

APPROVE CSPA WAIVER:

Grant waiver to RSA 483-B:11, I, to expand the existing footprint and outside dimensions of a nonconforming residence by adding an 8 ft by 22 ft addition to the side of the residence and constructing an additional floor.

With Conditions:

1. All work shall be conducted in accordance with plans for the proposed addition as received by the department on June 8, 2004, August 3, 2004, and August 10, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A restrictive covenant shall be placed on the deed binding future owners into maintaining all erosion controls, as shown on plans received by the department on August 3, 2004. A copy of the recorded approval and covenant shall be submitted to the DES Wetlands Bureau prior to construction.
3. All plantings shall be in accordance with the list of species received by the department on August 10, 2004 and shall be limited to native species.
4. The shoreline vegetative buffer shall be planted in March to mid-April following construction. The soil shall be mulched.
5. If planting in the fall is necessary, planting shall take place no earlier than mid-September and no later than mid-October. The soil shall be mulched with 3 to 4 inches of wood chips to prevent early frost damage.
6. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.

With Findings:

1. The existing non-conforming residence is located within the 50 ft setback to Horace Lake and therefore fails to conform to the minimum standard set forth in RSA 483-B:9, I, of the CSPA.
2. In accordance with RSA 483-B:11, I, nonconforming structures may be repaired, renovated, or replaced in kind provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of

protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming means "a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

4. In addition to the proposed expansion of the residence, the applicant has proposed to install an extensive erosion control scheme including installing two dry wells to catch roof runoff, planting 34 feet of shoreline buffer, constructing a landscaped wall with plantings behind it, reseeding all bare soils, laying crushed stone under the proposed deck, and installing a 28 foot x 6 foot x 3 foot stormwater infiltration trench to control runoff from the shared driveway and field above the property to meet the requirements of RSA 483-B:11, II.

**2004-01674                      CHAPMAN, ROBERT**  
**MILAN   Androscoggin River**

**Requested Action:**

Applicant requests a variance of RSA 483-B:9 IV-d, prohibiting the placement of solid waste within 250 ft of the reference line of a public water.

\*\*\*\*\*

**DENY CSPA VARIANCE:**

Applicant requests a variance of RSA 483-B:9 IV-d, prohibiting the placement of solid waste within 250 ft of the reference line of a public water.

**With Findings:**

**Standards for Approval**

1. In accordance with RSA 483-B:9, IV-c, "An existing solid waste facility that is located within 250 feet of the reference line of public waters under this chapter may continue to operate under an existing permit, provided it does not cause degradation to an area in excess of that area under the permit."
2. In accordance with RSA 483-B:9, IV-d, "No solid waste facility shall place solid waste within 250 feet of the reference line of public waters under this chapter except as expressly permitted under RSA 483-B:9, IV-c. However, any solid waste facility may be allowed, subject to the permitting conditions under RSA 149-M:10, to erect accessory structures and conduct other activities consistent with the operation of the facility within 250 feet of the reference line of the public waters under this chapter, such as filling, grading and installing monitoring wells and other drainage structures as is consistent with its solid waste permit as issued as issued by the department of environmental services. Under no circumstances shall the toe of any slope encroach within 150 feet of the reference line."
3. In accordance with RSA 483-B:9, V(g), "The commissioner shall have the authority to grant variances from the minimum standards of this section."

**Findings of Fact**

4. On July 21, 2004 the Department received an after the fact request to expand the area used for the storage of recyclable solid waste on property identified as Milan Tax map 46, lot 48 into areas within 250 feet of the reference line of a public water.
5. This activity is prohibited per RSA 483-B:9, IV-c and IV-d.
6. The commissioner has the authority to grant variances to the minimum standards found in RSA 483-B:9, V.

**Ruling in Support of the Decision**

7. The commissioner has not been granted the authority to grant variances of any portion of RSA 483-B:9 with the exception of the minimum standards within section V, therefore the request for variance of RSA 483-B:9, IV-d is denied.

**2004-01930                      SNOW, RONALD & CATHERINE**  
**GILMANTON   Shellcamp Lake**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 46, Lot# 81 Shellcamp Lake

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2004-01899                      NH DEPT OF TRANSPORTATION, DISTRICT 5**  
**PELHAM   Unnamed Wetland**

**2004-01900                      NH DEPARTMENT OF TRANSPORTATION**  
**SUTTON   Drainage Ditch**

**2004-01901                      SCHOENECK LAMBERT, TRICIA**  
**ROCHESTER   Unnamed Stream**

**2004-01927                      NH DEPT OF TRANSPORTATION**  
**HAMPTON FALLS   Unnamed Wetland**

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2004-01698                      DOUGLAS HILL CONSTRUCTION LLC**  
**LYNDEBOROUGH   Unnamed Wetland**

Requested Action:  
PBN#1, Dredge and fill approximately 1,187 square feet of emergent wetland for the installation of a 18-inch by 40 foot culvert to access a single family residential lot of approximately 12 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
The Lyndeborough Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#1, Dredge and fill approximately 1,187 square feet of emergent wetland for the installation of a 18-inch by 40 foot culvert to access a single family residential lot of approximately 12 acres.

**2004-01746                      GILFORD YACHT CLUB, C/O EDNA CARLSEN**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

This PBN is disqualified because the construction type for the proposed project will be changed.

\*\*\*\*\*

PBN DISQUALIFIED:

This PBN is disqualified because the construction type for the proposed project will be changed.

**2004-01758                      STADLER, JOHN & NOMI**  
**LYME   Connecticut River**

Requested Action:

PBN#7, Install a 5'x24' gangway leading to a 15'x6' pier with a maximum of six (6) 6'wide stairs constructed over the bank on the Connecticut River with approximately 833 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Lyme Conservation Commission signed the PBN form

PBN IS COMPLETE:

PBN#7, Install a 5'x24' gangway leading to a 15'x6' pier with a maximum of six (6) 6'wide stairs constructed over the bank on the Connecticut River with approximately 833 feet of shoreline frontage.

**2004-01856                      DAVID PELLETIER CONSTRUCTION CO., INC**  
**DEERFIELD   Unnamed Stream**

Requested Action:

DES cannot permit subdivisions with the PBN process.

\*\*\*\*\*

PBN DISQUALIFIED:

DES cannot permit subdivisions with the PBN process.

**2004-01861                      PUBLIC SERVICE OF NEW HAMPSHIRE**  
**MANCHESTER   Merrimack River**

Requested Action:

PBN#4, Reface approximately 1,775 square feet of the downstream side of the Amoskeag Dam.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Manchester Conservation Commission signed the PBN form.



PBN IS COMPLETE:

PBN#4, Reface approximately 1,775 square feet of the downstream side of the Amoskeag Dam.